

10.09.2025
SL No.65
Ct. No.03
Sudipta

**Calcutta High Court
In The Circuit Bench at Jalpaiguri**

CRR 442 of 2025

**Sagar Roy
Vs.
The State of West Bengal & Anr.**

For the Petitioner :

**Mr. A. Das
Mr. Rajdeep Das**

.....Advocates

For the State :

**Mr. Aditi Shankar Chakraborty, Ld. APP
Mr. Abhijit Sarkar**

.....Advocates

1. The present petition has been filed challenging the impugned order nos. 31, 32 and 33 dated 21st February, 2025, 16th June, 2025 and 12th August, 2025 respectively.
2. Learned counsel for the petitioner submits that the learned Trial Court without affording an opportunity to the petitioner to lead defence evidence, closed the defence evidence. Learned counsel further submits that the petitioner wants the examination of defence witnesses for the proper adjudication of the case.
3. Learned counsel for the State has fairly submitted that the learned Trial Court closed the defence evidence

without taking any report on the record regarding service of the DWs.

4. The Court has gone through the impugned orders and it seems that the learned Trial Court without waiting for the service report of the defence witness, closed the defence witness. Non-examination of defence witness may prejudice the petitioner.
5. In the circumstances, the impugned orders are set aside.
6. Learned counsel for the petitioner further submits that the petitioner has to examine only two defence witnesses. Learned counsel submits that he shall take immediate steps for the service of the summons and shall not delay the trial.
7. In view of the submissions made, the petition is allowed.
8. Let the petitioner be given a reasonable opportunity for examining defence witnesses in accordance with law. However, the petitioner shall not cause any further delay and take all steps for summoning the defence witnesses.
9. Hence, the present petition stands disposed of.

10. All parties shall act on the basis of the server copy of this order duly downloaded from the official website of this Court.

(Dinesh Kumar Sharma, J.)